

REMARKS

Claims 26-49 are now in the application. Claims 1-25 have been cancelled without prejudice or disclaimer. Claims 26-49 have replaced the cancelled claims to rewrite them in more typical US format for purposes of clarification and not to limit their intended scope. In addition, claims 26 and 42 now recite a block powder propellant. Basis for this recitation can be found, for example, at page 10, line 37 to page 11, line 10 of the specification. The newly presented claims do not introduce any new matter.

The rejections of Claims 1-25 as being indefinite under 35 USC 112, second paragraph and for being prolix have been overcome by rewriting original claims 1-25 as newly presented claims 26-49.

Claims 1-25 were rejected under 35 U.S.C. § 102 (b) as being anticipated by US Patent 4,063,486 to Ashley and US Patent 3,977,324 to Stevenson. The cited references fail to anticipate the present invention.

As stated in the office action, US 4 063 486 to Ashley, suggests a caseless ammunition comprising a propellant and an elongate inner component. However, according to Ashley quite a different propellant is required, namely a liquid propellant. Such ammunition can not be completed and transported outside the barrel. On the contrary the liquid propellant has to be added when the ammunition is located inside the barrel.

The present invention as now recited in the claims relates to a block powder propellant. As discussed in the specification, the use of the block powder makes it possible to produce ammunition with increased energy and makes it possible to increase the range of the ammunition. Moreover, the present invention makes it possible to connect the block powder charge to the desired shell projectile and a bottom piece comprising a firing device to form a caseless but nevertheless complete round that can be loaded as coherent unit.

In cited US 3 977 324 to Stevenson, a caseless ammunition embodiment is shown in figure 2. However there is no real correspondence to the inner component at least in the case that

the connection of the elongate inner component to the firing device and bottom plate is defined. The projectile of Stevenson is not fully comparable with the elongate inner component of the present invention inter alia due to the fact that there is a considerable space between the aft of the projectile and the bottom end of the ammunition just comprising propellant. Moreover, no separate inner components are disclosed.

The cited references fail to anticipate the present invention. In particular, anticipation requires the disclosure, in a prior art reference, of each and every recitation as set forth in the claims. See *Titanium Metals Corp. v. Banner*, 227 USPQ 773 (Fed. Cir. 1985), *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 USPQ2d 1081 (Fed. Cir. 1986), and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 USPQ2d 1241 (Fed. Cir. 1986).

There must be no difference between the claimed invention and reference disclosure for an anticipation rejection under 35 U.S.C. 102. See *Scripps Clinic and Research Foundation v. Genetech, Inc.*, 18 USPQ2d 1001 (CAFC 1991) and *Studiengesellschaft Kohle GmbH v. Dart Industries*, 220 USPQ 841 (CAFC 1984).

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.


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The Office is authorized to charge any necessary fees due with this paper to Deposit Account No. 22-02685, under Order No. 20459-00393-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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